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SUZIE BALLARD

OCTOBER 16 (legislative day, OCTOBER 1), 1951.—Ordered to be printed

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Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4940]

The Committee on the Judiciary, to which was referred the bill (H. R. 4940) for the relief of Suzie Ballard, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant a waiver of the racial barrier to admission into the United States in behalf of a minor Japanese child in the custody of a United States citizen serviceman and his wife. The child would be considered to be a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill was born in Japan on April 3, 1950, and has been in the custody of Warrant Officer Edward Marshal Welke and his wife since February 13, 1951.

Congressman Eugene J. McCarthy, the author of the bill, submitted to a subcommittee of the Committee on the Judiciary of the House of Representatives the following statement in connection with the bill:

HOUSE OF REPRESENTATIVES,
Washington, D. C., August 15, 1951.

STATEMENT OF THE HONORABLE EUGENE J. M'CARTHY RE H. R. 4940, A BILL FOR THE RELIEF OF SUZIE BALLARD

Warrant Officer (jg) Edward Marshal Welke and his wife, Lillian Mabel Welke, both presently residing temporarily in Japan because of the military duties of Warrant Officer Welke, both of whom are citizens of the United States, whose legal residence is 1038 St. Clair Avenue, St. Paul 5, Minn., desire to legally adopt Suzie Ballard, a minor child of partial oriental parentage who was born April 3, 1950. Suzie has been in the custody of Mr. and Mrs. Welke since on or about February 13, 1951.

I have, under date of August 9, forwarded to the committee 8 or 10 letters from reliable officers of the United States Army, personally acquainted with Mr. and Mrs. Welke, attesting to their excellent character and earnest desire to adopt Suzie Ballard at such time as Mr. Welke is permitted to return to the United States by the Department of the Army.

It is my belief that Mr. and Mrs. Welke are conscientious and sincere people who are very anxious to adopte Suzie, and I therefore strongly urge early committee action on this bill. I sincerely trust that such action will be favorable.

EUGENE J. MCCARTHY, M. C.

In addition, Congressman McCarthy submitted the following documents and letters with reference to the case:

THIRTY-FOURTH ENGINEER BASE PHOTO CO.,
SIXTY-FOURTH ENGINEER BASE TOPOGRAPHICAL BATTALION,
August 3, 1951.

Hon. EUGENE J. MCCARTHY,
Congressman, House Office Building, Washington, D. C.

DEAR MR. MCCARTHY: In accordance with your letter of July 17, 1951, I have accumulated the necessary documents required and forward them herewith as enclosures.

My grandfather, Theodore Hense, deceased, and his brother, Martin Hense, came to St. Paul in 1877. My mother and father were born and raised in St. Paul, as were my sister and I. My parents' address is 1038 St. Clair Avenue, St. Paul 5, Minn., which is also my legal address while in the service.

I have been on occupation duty in the Far East Command for the past 37 months and my departure date was December 20, 1950. I expect to return to the United States upon cessation of hostilities, but may be returned at an earlier date, depending upon the rotation policy to be set up for this theater.

I am also sending you a photostat copy of the bill, S. 1810, which was introduced in the Senate by Mr. Humphrey.

I received the copy of bill H. R. 4940, which you introduced in the House of Representatives, and my wife and I want to thank you for the time and effort you have given in behalf of our case.

Sincerely,

EDWARD M. WELKE,
WOJG, W2149245.

UNDERTAKING FOR ADOPTION

This undertaking, made this 13th day of February 1951, by Edward Marshal Welke and Lillian Mabel Welke, husband and wife, citizens of the United States, of St. Paul, Minn., United States of America, the husband being in the military service of the United States Government on duty with the occupation forces in Tokyo, Japan, witnesseth:

Whereas the authorities of the Tokyo Army Hospital, Japan, are at present in custody of a female child believed to be under 1 year of age, alleged to bear and presently identified by the name "Susie Ballard"; and

Whereas neither the mother nor father are known to the authorities at said Army Hospital, and no person has asserted parental relationship; and

Whereas said child was turned over to the said hospital authorities by a person or persons unknown on or about January 1, 1951; and

Whereas it is the desire of said Edward Marshal Welke and Lillian Mabel Welke to adopt said child as their own lawful child; and

Whereas the authorities at the said Tokyo Army Hospital are desirous of relinquishing custody in favor of the prospective adopting parents; and

Whereas the Supreme Commander for the Allied Powers approved the release of the child by the authorities at said hospital to the custody, care, and possession of Edward Marshal Welke and Lillian Mabel Welke; and

Whereas the said Edward Marshal Welke and Lillian Mabel Welke are possessed of money, property, and income enough suitably to nurture, care for, raise, educate, and provide for the said child and to the full performance of all said things are ready, willing, and able and by the undertaking of this trust do hereby bind themselves to carry out and perform, fully agreeing to accept said child as their own child as if born to them in lawful wedlock and to make her their heir:

Now, therefore, in consideration of the premises and of the undertakings hereinafter contained, we, Edward Marshal Welke and Lillian Mabel Welke, jointly and severally, hereby agree and undertake—

1. To adopt, care, treat and provide for said child as our own lawful child with the rights and duties thereunto appertaining, as though she were our own flesh and blood.

2. To take all appropriate and necessary measures to secure the requisite documentations for the admission of said child to the United States of America, or elsewhere, and assume full liability and responsibility therefor.

In witness whereof, Edward Marshal Welke and Lillian Mabel Welke have hereunto set their hands the day and year first above written.

EDWARD MARSHAL WELKE (husband),
Warrant Officer (Junior Grade) United States Army.
LILLIAN MABEL WELKE (wife).

Approved for the Supreme Commander for the Allied Powers:

H. FRAZIER,
Major, Adjutant General Corps,
Assistant Adjutant General.

Accepted:

KENNETH A. BREWER,
Commanding Officer, Tokyo Army Hospital.

ACKNOWLEDGEMENT OF CUSTODY AND POSSESSION OF CHILD

We, Edward Marshal Welke and Lillian Mabel Welke, hereby acknowledge custody and possession of the child, identified by the name "Susie Ballard," and referred to in that certain undertaking for adoption, dated February 13, 1951.

EDWARD MARSHAL WELKE (husband),
Warrant Officer (Junior Grade) United States Army.
LILLIAM MABEL WELKE (wife).

Date: TOKYO, JAPAN, *February 13, 1951.*

GENERAL HEADQUARTERS, FAR EAST COMMAND,
OFFICE OF THE CHIEF OF STAFF,
July 23, 1951.

To Whom It May Concern:

I have known Warrant Officer (jg) Edward M. Welke for many years, having had him under my command in the European theater of operations in 1944. During my association with this officer he has shown himself to be loyal, dependable, and a person of the highest moral standards.

His record in the Army, rising through the enlisted ranks to that of warrant officer, further shows his earnestness and ability to provide a wholesome life and environment for the rearing of a child.

I unhesitatingly recommend Warrant Officer Welke as a person who may be safely entrusted with the grave responsibility of rearing a child.

DOYLE O. HICKEY,
Lieutenant General, General Staff Corps,
Chief of Staff.

TOKYO DEPARTMENT, *July 30, 1951.*

Subject: Susie Ballard.

To Whom It May Concern:

I have been a next-door neighbor of Mr. and Mrs. Edward Welke for a period of 6 months, during which time both my wife and myself have been very close to them. We have watched Susie during this time grow up as a normal child with the utmost of loving care being bestowed upon her.

The Welkes have had a long-desired wish fulfilled with the advent of Susie in their home and have shown their love and desire for children in every way. Susie brought a big ray of sunshine in their home, and in return they are demonstrating in every way their responsibilities as parents.

Being the father of four children myself, I feel that they are giving the baby the best kind of home and are A-1 parents. Their age also is on their side; they are mature enough to know their responsibilities and yet young enough to really enjoy the baby and, therefore, give her a very happy home.

Mr. Welke has chosen the Army as a career; so, therefore, there is no question of ability to support, as his vocation in life is very secure both financially and

otherwise. I personally feel that they have proved their loyalty to Susie and dependability as her father and mother.

I am sure that it will be the happiest day of their life when everything is all taken care of and they can rest assured that Susie is their daughter, and they do not have to be worried about her being taken from them. A blow like that I am sure would set them back quite a bit.

DANIEL M. DRISCOLL,
Lieutenant Colonel, United States Army, Dental Corps.

Senator Hubert H. Humphrey has introduced in the Senate a bill (S. 1810) for the relief of the same child. In view of the fact that the committee is reporting favorably on H. R. 4940, the bill S. 1810 will be indefinitely postponed.

The committee, after consideration of all the facts in the case is of the opinion that the bill (H. R. 4940) should be enacted.

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